

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

SUCCESSION CAUSE NO. 25 OF 2015

IN THE MATTER OF THE ESTATE OF ABDIRIZACK AHMED SIYAD (DECEASED)

RULING

I have considered the application for confirmation of grant of letters of administration intestate herein dated 10th May 2016 and documents therein filed by the Public Trustee. I have also considered the submissions of Mr. Miyogo for the Public Trustee.

I observe that Baha Ahmed Siyat has, in the affidavit sworn by the Public Trustee in May, 2016, been described as daughter of the deceased. In all other documents however, she has been described as a sister of the deceased. In my view, being aged 27 years, she cannot possibly be a daughter of the deceased who died aged 31 on 14th March 2015. I therefore find that she is a sister of the deceased.

Having said so, though Mr. Miyogo says that all the assets be inherited by the mother of the deceased, no affidavit to that effect sworn by the beneficiaries has been filed to confirm that agreement.

The inheritance shares herein under Islamic Law has already been determined by the Hon. Kadhi Masoud M. Mvudi on 26th August 2015.

I thus confirm the grant of letters of administration intestate, and order that distribution of the assets will be as has been determined by Kadhi's court on 26th August 2015.

In my view, even after the issuance confirmation of grant of letters of administration, if the beneficiaries want all the assets to go to one of them, they can approach this court with an appropriate application supported an affidavit evidencing their intention.

To conclude, I confirm the grant of letters of administration intestate herein and order that distribution of the assets will be and has been determined by the Kadhi's Court. Certificate of confirmed grant to issue.

Dated and delivered at Garissa this 27th day July, 2016.

GEORGE DULU

JUDGE